

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-664

November 29, 2001

TDS TELECOMMUNICATIONS CORPORATION
COBBOSSEECONTEE TELEPHONE COMPANY
HAMPDEN TELEPHONE COMPANY
HARTLAND & ST. ALBANS TELEPHONE COMPANY
SOMERSET TELEPHONE COMPANY
WARREN TELEPHONE COMPANY
WEST PENOBSCOT TELEPHONE COMPANY
ISLAND TELEPHONE COMPANY

ORDER APPROVING
STIPULATION

Request for Approval of Master Service Agreement
with Affiliated Interests (35-A M.R.S.A. § 707)

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order we approve a Revised Stipulation among the Public Advocate, the telephone companies named above (the "TDS Maine Telcos") and TDS Telecom. TDS Telecom is the immediate owner of the TDS Maine Telcos. All of these entities are affiliated interests of each other as defined by 35-A M.R.S.A. § 707(1)(A). The Revised Stipulation approves a "Master Affiliate Transaction Agreement" (or MATA) among each of the TDS Maine Telcos, TDS Telecom and other affiliated interests of the TDS Maine Telcos. Approval of the Master Affiliate Transaction Agreement is required by 35-A M.R.S.A. § 707(3).

II. DISCUSSION

On September 24, 2001, the TDS Maine Telcos and TDS Telecom filed a request with the Commission to approve the proposed Master Affiliate Transaction Agreement that would govern transactions between or among the Maine Telcos, TDS Telecom and other TDS affiliates. The MATA requires the pricing of services and goods furnished by one affiliate to another to be governed by applicable FCC rules. It also establishes rules for the allocation of common costs. The MATA and the terms of the Revised Stipulation have been thoroughly reviewed by the Public Advocate and the Commission staff and several revisions were made pursuant to that process. We find that the MATA establishes a reasonable method for cost accounting of transactions between the TDS Maine Telcos and any of their TDS affiliated interests.¹

¹In the interest of clarity, we read Part III, section 7.a of the Revised Stipulation to include the word "for" immediately prior to the phrase "the use by each of the TDS Maine Telcos...."

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.